

AIR WAR COLLEGE

AIR UNIVERSITY

LABOR RELATIONS:
UNIONS AND THE UNITED STATES AIR FORCE

by

Christopher L. Wheeler, Lt Col, USAF

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Contents

Disclaimer.....	ii
Contents.....	iii
Biography.....	iv
Introduction.....	1
Labor Relations in Federal Agencies.....	3
Labor Relations Exposure and Training.....	6
Poor Labor Relations Environments.....	8
Recommendations.....	16
Conclusion.....	18
Bibliography.....	19

Biography

Lieutenant Colonel Wheeler is a student at the United States Air Force Air War College, Maxwell Air Force Base, Alabama. Lieutenant Colonel Wheeler was commissioned through the Air Force Reserve Officer Training Corps through California State University, Sacramento, in October of 1990, with a Bachelor's of Science degree in Management Information Systems, and obtained a Masters Degree in Airway Science from Embry Riddle Aeronautical University, in 2001. He completed the Air Traffic Control Officer Training Program at Shaw Air Force Base in 1991 and served several operational assignments as an Airfield Operations officer. In 2004, he completed the United States Army Command and General Staff College, Fort Leavenworth, Kansas. Lieutenant Colonel Wheeler commanded the 506th Expeditionary Operations Support Squadron in Iraq and the 412th Operations Support Squadron at Edwards Air Force Base. Prior to his selection for Air War College, he was the Deputy Commander, 96th Mission Support Group, Eglin Air Force Base, Florida, and served as the Deputy Commander, 376th Expeditionary Mission Support Group, Manas Air Base, Kyrgyzstan. He has served in key positions within Airfield Operations and Mission Support, including Headquarters Air Force, Headquarters, United States Air Forces in Europe, and numerous deployments, supervising up to 2,000 military personnel and civilian employees during his assignments.

Introduction

According to the United States Air Force (USAF) Personnel Center, over the next several years, the USAF intends on hiring up to 20,000 new civilians to its workforce, including 3,000 new hires by the end of 2010.¹ Stemming the outsourcing of critical functions to private contractors, 10,000 of these new authorizations will replace the work of contractors, while the remaining positions will increase the approved civilian authorization end strength numbers. Though most of these positions will be in acquisition career fields, the other positions will increase civilian authorizations across the spectrum of base operations, including civilian engineering, logistics and security. In 2011, these increases will bring the Air Force up from 148,000 to 168,000 in civilian employment.²

Without question, civilians play a vital role as part of the total force in the USAF and the Department of Defense (DoD). Since September 11th, 2001, civilian employees have proved critical in base sustainment, allowing service members to sustain the high deployment rates in critical fields. As the military continues to operate overseas, civilian employees' importance will continue to grow, as they fill more home station requirements. To represent these federal employees, as of 2004, there were over 90 professional unions in the Federal Service, representing the full spectrum of services, including medical specialists, engineers, fire fighters and air traffic controllers.³ With the increase in civilian hiring for the USAF, membership in these unions will also grow.

Unfortunately, despite the increase in civilians, many commanders and supervisors do not understand basic labor relations or the proper management of bargaining unit employees (BUEs). As a result, mismanagement of labor relations is impacting the USAF from squadrons up to the Department of the Air Force. Misapplication of labor relation law, misunderstanding labor

agreements and basic human factors are causing labor relations within organizations to deteriorate, resulting in a significant loss of resources, time and money. Time lost negotiating policies, an inability to take timely action against underperforming employees and costly arbitration and lawyer fees, are examples of the challenges units face when dealing with labor relations activities. In fact, a report by the General Accounting Office in 1991 indicated that overall, Federal labor relations is not very effective and "...the program is too adversarial and often bogged down by litigation over procedural matters and minutiae."⁴ Although this report is a little dated, the problems of this report reflect today's labor relations environment as commanders still do not understand labor law and the roles of unions.

DoD leadership must realize that unions are an integral part of employee relations, recognize the nature of labor relations and its impact on an organization's efficiency and provide detailed, in-depth training for supervisors and commanders. This paper will evaluate the current state of labor relations in the military and how supervisors and officers are trained to deal with unions. Next, this paper will describe poor labor relations in the public and private sectors looking at ways leaders can correct poor labor relation environments. Finally, this paper will provide recommendations to prevent the development poor management and employee relations.

Labor Relations in Federal Agencies

Although now common practice across the government, federal employees did not always have the right to form unions and participate in bargaining functions. President Kennedy, in 1962, first authorized federal employees the right to bargain and negotiate as part of formalized unions, signing Executive Order (EO) 10988. Subsequently, to correct inefficiencies with this process and further expand union rights, President Nixon signed EO 11491. This order established the Federal Labor Relations Council and the Federal Service Impasses Panel, creating the interpretive arm of labor relations policies to make the final decisions between bargaining units and management. The most significant aspect of these orders to the military was the creation of a third party system to make final decisions regarding policy and personnel, outside of the military commander's discretion.⁵ In 1978, President Carter led a reform of labor relations, resulting in the signing of the Civil Service Reform Act (CSRA) and the creation of the Federal Labor Relations Authority (FLRA).

Although these acts have basically remained unchanged, presidents since the signing of the CSRA have made some modifications. Of particular note, President Carter amended the jurisdiction of the FLRA, excluding specific subunits of the Department of Defense and other governmental law enforcement agencies. For example, employees of the General Accounting Office, the Federal Bureau of Investigation and the National Security Agency are not allowed to be members of bargaining units.⁶ Additionally, the act was amended to prevent federal employees from striking and gave the President the authority to suspend labor relations, temporarily, when required for national security. President Reagan also modified the CSRA, excluding other federal law enforcement agency employees from unionizing. In 2005, with the

creation of the Department of Homeland Security (DHS), new provisions were added specifically for this organization. While employees in the DHS may unionize, the process for handling grievances and disputes are handled internally to the DHS instead of the FLRA, also to protect national security interests.

Because there are a number of DoD and governmental agencies that cannot unionize, the logical question often asked concerns the feasibility of excluding civilians working for the military from unionizing in order to eliminate the costs and inefficiencies associated with unions. In short, it appears that while this idea sounds appealing, especially to commanders who are experiencing or who have experienced union challenges, this exclusion is not likely. Even though recent presidents showed a willingness to take on labor, such as when President Reagan fired 11,000 striking air traffic controllers in 1981, the presidencies of Bush, Clinton and Bush all showed levels of support for labor, most notably when the "...tenure rules, pay schedules and compensation packages of today were signed."⁷ President Clinton was seen as a labor advocate, signing EO 12871 to create the National Partnership Council to handle disputes between government and federal employees.⁸ Though President Bush was criticized for his anti-labor policies, such as dissolving EO 12871, he also succeeded in continuing exclusions of federal agencies when forming the Department of Homeland Security. However, no new agencies were added for exclusion, despite his attempts, during his presidency. President Obama is seen as pro labor. Several of his first actions as president was to overturn a number of Bush's policies and he indicated that he will push for legislation to make it easier to unionize.⁹ Given the current leanings of the administration, it is not likely the uniform services would be considered for exclusion from labor law, at least in the near term.

Though federal employees have the right to unionize and third parties, not commanders, can make the final determination on negotiation disputes, unions in the DoD do serve a useful purpose. First, unions provide employees with an official venue for partnering over policy changes. Representative William Clay, in 1977, stated that an effective labor relations program “...will increase the efficiency of the Government by providing meaningful participation of employees in the conduct of business.”¹⁰ Secondly, unions can hold management accountable on discrimination, fair hiring practices and equitable wage and benefits. Labor advocates claim one of the main reasons for unions is to provide protection for employees, ensuring “...their dignity and respect.”¹¹ Finally, unions provide a means for employees to work out grievances in an informal setting, outside of the Equal Employment Office or Inspector General venues. Union leadership are given the opportunity to work employee issues directly with management, to prevent sometimes inconsequential issues from getting out of hand.

When the labor relations environment is cooperative and fair, this system provides employees with a fair means of resolving disputes. The key to this partnership is the Master Labor Agreement between the union and the agency. Also known as a Collective Bargaining Agreement (CBA), this document can be fairly complex and sometimes, hundreds of pages in length, outlining the responsibilities of employees, union leaders and management. A key document for commanders to understand, the CBA describes timelines for policy review, the handling of disputes and provides specifics of employment, such as duty hours, sick leave and other administrative policies. Specific to each installation, these agreements provide commanders and unions the flexibility to develop procedures and policies suitable to base or post missions. Important to note, when more than one union exists on a base, each union will have its own CBA with leadership, further compounding the complexity. When the labor relation

environment of a unit begins to erode, more often, the cause can be traced to a failure to understand or apply the CBA in accordance with established procedures.

Labor Relations Exposure and Training

Of course, excluding the services from labor relations law and unions would eliminate the difficulties supervisors and commanders have when dealing with unions and BUEs. However, to lay blame for the inefficiencies associated with labor relations on difficult unions would be too simplistic. Most often, the difficulties are due to the lack of early exposure and training by supervisors and commanders. The military trains personnel well in most aspects of their jobs. Ancillary training for supervisors and commanders run the full spectrum of personnel management, from suicide prevention, force protection and security. Plus, officers receive detailed leadership training through their initial commissioning source and several levels of professional military education. However, despite education focused on personnel, very little labor relations training takes place. In fact, some officers and commanders may not even work with a union or BUEs until higher levels of command, depending on their career field. If initial exposure to labor relations and BUE management does occur at this level, with no prior experience or training, the complexities involved with labor relations, law and policy can easily get supervisors and commanders into difficulties.

Even if the supervisors, officers and commanders desire training, very little in the DoD exists. At the base or local level, most bases have a labor relations office, specifically to assist management with union matters. Some of these offices have developed simple training programs; however, these ad hoc programs are little more than a power point presentation and are not enough to fully explain the importance of the labor relations process.¹² At the Major Command level for the USAF, despite significant labor issues that impact their installations, no official training exists. In the command-developed squadron commander courses, civilian

employment is discussed as part of an hour long block of instruction; yet, commands do not conduct any real training on unions or BUEs. Further, in the various levels of professional military education, starting with the Air and Space Basic Course for Lieutenants through the Senior Leader's Officer Course for Wing Commanders, courses have some instruction on civilian employees, but unfortunately these types of instruction are more aligned with civilian management, not labor relations. The United States Army (USA) recognized this disconnect in training and published 11 new Tactics, Techniques and Procedures (TTPs) to prevent the mistakes untrained leaders can make. A step in the right direction, these TTPs cover a broad range of categories such as handling Unfair Labor Practices (ULPs), understanding the CBAs and following collective bargaining procedures.¹³

There are some courses within the DoD that provide training on basic labor-management relations. Provided by the Civilian Personnel Management Service, the Labor and Employee Relations Division host classes at their location and can hold training at installations.¹⁴ Anyone can attend these courses; however, they are designed to train entry-level labor specialists, not military supervisors or commanders. The course that is specifically designed for supervisors is not regularly scheduled, and, like the installation specific training, is normally hosted on an ad hoc basis.

Additional training and education exists in the civilian sector and could provide management with a better understanding of labor law and employee relations. Popular with companies in the private sector, business management companies provide a variety of on-line, in place and on-request programs and can provide specific training to fit the requirements of organizations.¹⁵ While civilian companies use these programs for their supervisors, the military tends to forgo this training for supervisors and officers. These programs can be costly, averaging

\$1,600 or more for a two-day course, not including travel time, per diem or materials.

Poor Labor Relations Environments

Labor relations can be a very complex aspect of management of an organization. It is beyond the scope of military commanders to fully understand Federal labor law as labor law statutes are complex and the decisions made by the various courts associated with labor relations number in the hundreds of thousands.¹⁶ As a result of the lack of training, complexity of the law and the differences in CBAs from base to base, commanders and union leaders often run into difficulties when implementing or following established agreements. Not understanding responsibilities, timelines and the agreed upon processes can all lead to an unstable relationship between the union and management. These common mistakes can be costly, both in time and resources and can impact the efficiency of the unit's mission.

While the government has not determined overall costs associated with dealing with unions, the costs are distinctive in personnel, time spent and resources and reach into the millions of dollars. In fact, the government pays to sustain unions, providing free office space, allowing union representative to work while on duty and even paying for travel and per diem costs. According to the Office of Personnel Management, federal employees used 2.9 million official work hours for performing union duties in fiscal year 2008, at a cost of over \$120 million dollars, up \$7 million dollars from fiscal year 2009.¹⁷ The number of personnel alone associated with labor management across the DoD and government is in the thousands. The USAF hires anywhere from two to five labor relations specialists, depending on the size of the unions or the type of union/management relationship, per base. These installations also hire civilian attorneys with labor relations expertise to help commanders work through litigation.¹⁸ This same expertise is also hired at the Major Command and Air Staff level to handle those issues with potential

USAF-level impact. In addition to the personnel costs, the legal expenses to resolve grievances, mediation, arbitration, resulting award settlements, lawsuits and contract negotiations can be costly. Mediation and arbitration on a single grievance can cost several thousands of dollars and may not resolve the case, resulting in continued, costly litigation. Judgments and settlements can be in the hundreds of thousands of dollars, depending on the case. Additionally, an unfair labor practice (ULP) filed against the USAF can cost thousands of dollars to mitigate and, according to the USAF's legal agency, they receive around 200 new ULPs each year.¹⁹ Finally, a number of intangible costs exist when dealing with labor issues. Costs difficult to measure are those associated with the amount of time and productivity lost by employees and supervisors when dealing with such cases. Further, there are costs related to the implementation of new policy and procedures. When new procedures are mandated by higher headquarters, local unions have the right to negotiate policy implementation and any changes to working conditions. Even simple policies can literally take months or even years to implement as they go through the collective bargaining processes. These delays can have a direct impact on the ability of units to meet mission requirements.

Despite these high costs, military leaders are making costly mistakes in labor relations, some considered simple oversights, while others show ignorance of the complex rules. The first mistake supervisors and military officers make is engaging with unions or BUEs without first consulting with the installation's labor experts.²⁰ Given that little training is provided for officers and supervisors, this mistake, above all, can be seen in poor labor relations environments. Those officers without training have varying attitudes regarding union relationships. Some feel that employees should be treated much like military personnel. Others feel that union processes can be avoided by 'reaching out' to union leaders and BUEs and

attempting to circumvent the system. Regardless of the reason, leaders attempt to resolve labor problems without engaging with the experts at the base specifically hired for that purpose. Only after the problems have escalated to grievances or ULPs, will military leaders reach out to the specialists, often too late in the process.

Another serious mistake that management tends to make is attempting to implement policy without allowing the union the chance to negotiate, otherwise known as not ‘bargaining in good faith.’ The basic purpose of labor law is collective bargaining and to “...confer in good faith with respect to wages, hours, and other terms and conditions of employment” and it is against the law for either side to fail to adequately negotiate.²¹ According to several government sources, this mistake is very common as management issues new procedures or attempts to implement higher headquarters policy without first bargaining.²² The most recent example of this mistake was the reversal of the DoD’s new personnel system, the National Security Personnel System (NSPS). Despite the National Defense Authorization Act of 2004 mandating the DoD to change the personnel system, a federal court agreed with the unions that the DoD did not meet collective bargaining commitments before implementing NSPS. Even though unions were involved in the formation of the program, the DoD failed to secure an agreement regarding several key issues, causing the unions to file a ULP and lawsuits against the government.²³ This mistake at the DoD level proved a costly waste of time, manpower and money, as the 220,000 employees already under NSPS will have to transition back to the old system. Additionally, according to a GAO report, the DoD estimated the cost of implementing NSPS between 2005 and 2008 approximately \$158 million dollars, not including the costs associated with training and salaries of personnel who support NSPS programs.²⁴ As a result of the court’s decision, the DoD stood up a new NSPS transition office, which will continue to drive the costs even higher.

Another mistake management makes is attempting to work issues directly with employees instead of the official, agreed upon process, including dealing with bargaining unit employee disciplinary issues. Known as Weingarten Rights, all BUEs are afforded the right to have union representation at meetings where the employee is either under investigation or could face punishment.²⁵ Unit commanders and young officers not trained properly in labor relations are the most common violators of this aspect and often subject to grievances from employees. Further, related to the working of disciplinary issues directly with employees are informal meetings called by commanders, sometimes referred to as Commander Calls. Even though terms of employment might not be on an agenda, commanders can get into trouble when taking questions and providing specific answers.²⁶ Upcoming policy or mission changes, new facility working hours and appraisal handling procedures are examples of items often discussed at Commander Calls, especially the first call hosted by new commanders. If unions are not specifically invited to attend these meetings, ULPs can be filed for violating labor law.

Members of the management team definitely make mistakes, most often because of their unfamiliarity with labor law. However, union management also makes mistakes that can exacerbate poor working relationships with management. The most common error unions make, similar to management, is failing to follow established procedures.²⁷ This includes not following administrative requirements in master labor agreements, such as missing deadlines and not filing correct paperwork for grievances or ULPs. Unfortunately, when union leaders make these mistakes regarding grievances, the issue remains unaddressed, leaving employees unsatisfied with both management and their own union and can continue to impair working conditions within the organization. Frequently, the union will attempt to reengage on behalf of the employee to rectify the situation, often continuing to break with the established procedures. A

good example of this error by the union can be found in the FLRA case between Randolph Air Force Base and its local union, American Federation of Government Employees (AFGE). The union failed to meet its timely commitments regarding negotiations of the base labor agreement. After the deadline passed, leadership implemented new procedures because the union failed to submit proposals by the agreed deadline. AFGE filed a ULP, stating management did not bargain in good faith. After two years of costly litigation and delayed implementation of new procedures, the case met the FLRA board, resulting in a favorable decision on the behalf of leadership.²⁸ Arbitration and FLRA boards fully understand the importance of meeting deadlines and filing correct paperwork, and usually side with management on these matters.²⁹ However, in the final decisions, board members will also try to find a middle ground to allow both sides to continue to meet to resolve the issue, especially if the employee has suffered from the mistake.

Another critical mistake made by unions is attempting to negotiate issues that, by law, are not negotiable and are considered management rights. Management has the right to determine the unit's mission and budget, to hire and fire employees and to assign work to employees.³⁰ Or, in other words, management has the right to make decisions regarding the operations of the organization. Unions have the right to bargain with management over the Impact and Implementation (I&I) of those decisions; however, status quo is not an acceptable negotiation proposal, ie, unions do not have the right to say 'no' regarding a business decision. Unions can cause rifts with management when they attempt to bargain or negotiate decisions made by management that are non negotiable. The Edwards Air Traffic Control Union leadership made this mistake when they attempted to dispute the hiring of supervisors filling non union positions. After three years of costly litigation, arbitration and finally a decision, the FLRA held up

management rights to hire employees and dismissed the union's ULP.³¹ While ultimately management was successful, this disagreement strained relations within the unit, causing an unstable working environment for all the unit's personnel.³²

While union attempts to negotiate management rights can lead to poor relations, another tactic used by union leadership is the intentional use of divisive communications. Emotions involved in labor relations issues can run high, especially as costs accumulate. While management is normally 'required' to negotiate without confrontation, union leaders are not under those types of behavior constraints. As representatives of the installation's commander, the management negotiator's most important tool is the ability to remain calm when relations start to slide.³³ However, while usually union negotiators are well paid professionals with exceptional communication skills, when negotiations devolve, union representatives are known to switch tactics from cooperation to intimidation. Used more often against supervisors and junior officers, divisive tactics such as outbursts at meetings and letter writing to superiors with unfounded accusations are used intentionally by unions.³⁴ Supervisors and commanders have been accused of discrimination, lying to union representatives and violating agreements. These allegations are used more frequently against junior leaders with the intent that senior leaders will become involved in negotiations to change the course of the bargaining.³⁵ A classic example of this type of behavior can be seen in an FLRA case between the Department of Veterans Affairs and AFGE. While the case had to do with the parties bargaining in good faith, the actions of the union steward, including outbursts and profanity, were taken into consideration by the FLRA board, when they rendered their decision.³⁶ As union stewards and representatives are also paid employees, resorting to these types of divisive tactics only cause more harm to the efficiency and working conditions for all personnel.

The mistakes made by management and unions in the public sector are not completely different than those made in the private sector. In fact, the common issues from the management and union perspectives can be found in most private companies, especially those that with large unions such as the automobile industry, teachers and airline companies.³⁷ Fortunately, though, in the private sector, businesses can hire managers with labor relations experience as a condition of employment, a practice not part of the military's assignment system. Although the issues are relatively the same in both the private and public sectors, the most significant difference has to do with economics associated with pay and benefits for employees. In the private sector, management is concerned with making a profit and needs to negotiate salaries and benefits with the unions that will be the most cost efficient for the business. On the other hand, unions in the government sector can fight for salaries and increases as high as possible, knowing that taxes pay salaries, not the consumer. When mistakes are made in businesses, unions understand that it is important for the company to remain viable and solvent; however, in the government sector, little attention is paid to the costs associated with the litigation and time lost or pay and benefits, as the costs get transferred to taxpayers.

Although management and unions can make mistakes that impact working conditions in a unit, a bad or divisive labor relations environment can be repaired. Returning a unit to a cooperative relationship takes time and additional resources; however, problems related to a bad labor relations environment that are not fixed will only continue to worsen. Using common leadership traits, such as respect, listening and communicating, officers and supervisors can restore an eroded relationship. However, these traits will only go so far in repairing labor relations mismanagement. The first step in correcting this type of environment is going back to the law and the CBA. Meetings without proper labor relations specialists or attempting to

resolve issues outside the agreed-upon rules, will only further cause commanders or supervisors to worsen the problems. Secondly, leaders on both sides need to partner to correct deficiencies between governing regulations and past practices. A past practice is a procedure used in the past by one or both parties, despite what regulations may or may not direct. Once identified, supervisors and commanders need to make the appropriate notifications to the union and bring the unit back into compliance. Finally, keeping communications open between management, employees and the unions is critical to repairing relationships. In some broken relationships, some commanders resort to directing all communications flow through labor relations specialists or the labor attorneys, instead of working together to resolve issues.³⁸ Though sometimes necessary to correct disjointed labor relations, this type of management only hinders cooperation between the employees and management and should only be considered a short term measure. In summary, leaders need to understand the nature of labor relations in their organization and work to resolve deficiencies along side of union management not in absence of their involvement.

Recommendations

Leaders within the DoD must be knowledgeable of unions and the labor law in order to be cognizant of the challenges they present and avoid or correct problems, if they arise. To alleviate some of the challenges associated with unions, especially in organizations that have a war time commitment, the DoD should identify units such as security forces and air traffic control, with regulation driven working environments and pursue exemptions from labor relations authority. The government has exempted agencies with national security related missions from unionization, so precedence does exist; however, in the current pro labor administration, this exemption is not likely, in the near term. However, in the increasingly resource constrained environment, for the longer term, exempting civilians working in the military from unionization would save millions in personnel and costly litigation.

Leaders also need to reexamine their labor environment and take steps necessary to correct or head off potential problems. Adherence to labor law, established practices and the master labor agreement are keys to ensuring a smooth and efficient relationship with unions. Commanders need to meet with the labor relations and legal specialists to fully understand the state of labor relations, then engage accordingly with the management team to identify and resolve problems or potential discord with union leaders.

Finally, and most importantly, the DoD needs to provide thorough training for its supervisors, officers and commanders and incorporate dealing with unions into professional military education as part of leadership training. The current method of on-the-job training, ad hoc presentations and trial-and-error leadership of BUEs often leads to costly mistakes and possibly further damaging working relations within the unit. First time supervisors of union employees, both officers and civilians, should complete a formalized training program on the

importance of labor law and local procedures for working issues. New squadron, group and wing commanders of units with unions should also receive specific, formal training on roles and responsibilities prior to assuming command. Because union issues and procedures change base to base, a local presentation by the labor relations specialist is also a must to complete the training. The military already does an exceptional job training its officers to be leaders; however, the DoD needs to invest the resources into crafting a program to train its leaders on supervising civilian employees, including the complex nature of labor relations.

Conclusion

Unions in the government and the military are here to stay. Yet, the DoD does little to prepare officers and commanders on how to operate in a labor relations environment. While unions can be a force multiplier, a lack of understanding and formalized training will continue to cost the military valuable resources in time and money. Due to the growing number of civilians and union membership in the DoD, supervisors, officers and commanders must be prepared to lead civilians who belong to unions as part of their organization. Leaders must be aware of the challenges of working with unions and bargaining unit employees, especially the law and processes for resolving issues and collective bargaining. The actions of the entire management team set the basis for a solid labor relations environment, so it is critical they all comply with the rules and work within the system. Finally, to prevent the mistakes that use up resources, delay implementation of policies and impact the efficiency of an organization, the DoD needs to inculcate labor relations as a part of leadership of the civilian workforce and provide the necessary training.

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¹¹ Michael Yates, "Why Unions Matter", Monthly Review Press, 2009, ppg 37-43.

¹² JoAnn Hutchinson, Personal Interview. September, 2010.

¹³ LTC Holly O'Grady Cook, Plans Officer, Personnel, Plans and Training Office, Office of The Judge Advocate General, *The Army Lawyer*, October/November 2002, DA PAM 27-50-357.

¹⁴ From the Department of Defense, Field Advisory Service, Labor & Employee Relations Division Website, <http://www.cpms.osd.mil/forms/faslerd/trainings.aspx>.

¹⁵ An internet search for 'Labor Relations Training' identified hundreds of on-line training programs. Some were provided by universities and colleges while others are provided by management consultant companies. Good example called 'The Training Registry'. Available: http://www.trainingregistry.com/labor_relations_training.html.

¹⁶ Michael Gold, "An Introduction to Labor Law", ILR Bulletin Number 66, Cornell University Press, 1998, pg vii.

¹⁷ Emily Long, "Lawmaker proposes ban on union activities during work hours", Article for Government Executive.Com, 6 January 2011.

¹⁸ JoAnn Hutchinson, Personal Interview. Manpower Division Chief, Air Armament Center, Eglin Air Force Base, September 2010. Ms Hutchinson indicated that employee/management labor specialists are hired, out of hide, based on the installation's needs; no official manpower requirement calls for labor relations specialists. Same with the civilian attorney's hired to advise commanders. These specialized attorneys are taken out of hide.

¹⁹ Major Kristina Penta, Personal Interview. Deputy Labor Relations Branch Chief, Air Force Legal Operations Agency. September, 2010. According to Major Penta, the cost of handling each case varies from a couple of thousand dollars to hundreds of thousands depending on the case and desire by the USAF to contest the complaint.

²⁰ Hutchinson, Personal Interview.

²¹ Gold, pg 39.

²² Penta, Personal Interview. Maj Penta listed bad faith bargaining as the number one reason for ULPs that rise to the USAF level. Further, according to a representative from the Dept of Veteran Affairs, this is also their number one reason for ULPs. Provided by a briefing by Douglas Katcher, 'Working Under a Labor Agreement', Labor Division of the DVA, available on line at www.dothr.ost.dot.gov/hrprograms/workerscomp.

²³ Article from Army Lawyer, unattributed to an author. 'Lesson learned from an attempt to limit collective bargaining in the federal workplace; what is the takeaway from NSPS', Published in the on-line library, The Free Library by Farlax. Available at <http://www.thefreelibrary.com/Lesson+learned+from+an+attempt+to+limit+collective+bargainin+g+in+the...-a0197364658>. (Viewed on 26 November 2010)

²⁴ GAO Report to Congressional Committees, July 2007. 'Human Capital. DoD Needs Better Internal Controls and Visibility over Costs for Implementing Its NSPS'. GAO-07-851. ppgs 2-3.

²⁵ Title 5, Chapter 7114, para (a)(2)(b). http://www.flra.gov/statute_7114.

²⁶ Penta, Personal Interview.

²⁷ Article from Labor Union News, Author Unknown, 'Nobody's Perfect'. Good synopsis of mistakes union stewards make. <http://www.laborunionnews.org/ST9.html>. Accessed 11 November 2010.

²⁸ Decision of the Federal Labor Relations Authority, case 65 FLRA No. 17. 13 September 2010.

²⁹ Penta, Personal Interview. Decision boards will likely not side that fails to meet deadlines or follow agreed upon processes. However, boards don't want bureaucratic tape to interfere with resolving issues and will often ask sides to come back to the table regarding the issue, especially if involving an individual employee.

³⁰ Title 5, Chapter 7106, Management Rights. http://www.flra.gov/statute_7106.

³¹ Decision of the Federal Labor Relations Authority, case 64 FLRA No. 109. 29 March 2010.

³² Personal experience while assigned as the 412th Operations Support Squadron Commander, Edwards AFB, from 2006 to 2008. Several supervisors were hired by management to work in the ATC facilities; union leadership did not agree with the hiring of these personnel and made claims that management failed to hire in accordance with appropriate OPM and DoD regulations. FLRA agree with USAF side claiming the hiring of non-BUE personnel were outside of the union's right to bargain.

³³ Colonel Joseph Hearn. 'Labor-Management Relations in the Air Force', *Air University Review*, January-February, 1971.

³⁴ Hutchinson, Personal Interview.

³⁵ Personal experience while assigned as the 412th Operations Support Squadron Commander, Edwards AFB, from 2006 to 2008, as the 96th Mission Support Group Deputy Commander, Eglin AFB, 2008-2010. In multiple incidents at both bases, union membership sent group and wing commanders letters, using derogatory statements of unit supervisors and junior officers, including vulgarity and inaccurate statements of negotiations.

³⁶ Decision of the Federal Labor Relations Authority, case 64 FLRA No. 131. 28 April 2010.

³⁷ Internet research into union issues between unions and GM, Ford, Department of Education and school districts, and Delta and US Airways. Unions include AFL-CIO, United Autoworkers (UAW), Airline Pilots Association (ALPA) and American Federation of Teachers (AFT).

³⁸ Personal experience while assigned as the 412th Operations Support Squadron Commander, Edwards AFB, from 2006 to 2008, as the 96th Mission Support Group Deputy Commander, Eglin AFB, 2008-2010. As a result of an extremely poor relationship, Medical Group Commander cut all official communication from union representatives and management and stated that only the labor specialist on the installation could deal with the unions. A similar case is also described in the article by Col Hearn, referenced in endnote 34.